

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ANDREW A. HERZOG,	)	
	)	
Plaintiff,	)	8:07CV498
	)	
v.	)	
	)	
LEANNE WICHE, LPN Norfolk	)	<b>MEMORANDUM AND</b>
Regional Center,	)	<b>ORDER</b>
	)	
Defendant.	)	

This matter is before the court on Plaintiff's Motions to Amend his Amended Complaint. ([Filing No. 16](#) & [Filing No. 17](#)). In his Motions, Plaintiff asks that he be allowed to amend his Amended Complaint ([filing no. 11](#)) to add an additional Defendant, to sue Defendant Wiche in her individual capacity, and to add additional claims against Defendant Wiche.

Plaintiff has previously moved the court to amend his Amended Complaint. ([Filing No. 13](#) & [Filing No. 14](#).) Because Plaintiff failed to attach to his previous Motions an unsigned copy of the proposed amended complaint, the court denied these Motions without prejudice to reassertion in accordance with the Court's Local Rules. (See [Filing No. 15](#) at CM/ECF p. 2) (citing [NECivR 15.1\(a\)](#) which states "[a] party who moves for leave to amend a pleading (including a request to add parties) shall file as an attachment to the motion an unsigned copy of the proposed amended pleading.").

In his subsequent Motions to Amend, Plaintiff has again failed to attach to his Motions an unsigned copy of the proposed amended complaint. However, his Motions provide additional factual allegations supporting the claims he is alleging, and it appears he is making an effort to comply with the Court's Local Rules. Therefore, in an effort to move this case forward, the court will grant Plaintiff's

Motions and allow Plaintiff to file a second amended complaint with the court by July 25, 2008.

Plaintiff is warned, however, that the second amended complaint must include all claims and all defendants. This means Plaintiff must restate all of the claims in his Amended Complaint and any additional claims Plaintiff wishes to allege. Furthermore, Plaintiff must name all defendants and what capacity Plaintiff is suing each defendant. Plaintiff cannot rely on any prior submissions to the court to represent his claims. Plaintiff's failure to consolidate all claims into one document could result in the abandonment of claims.

After filing his second amended complaint, Plaintiff will not be given another opportunity to amend his second amended complaint absent a showing of cause.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motions to Amend ([Filing No. 16](#) & [Filing No. 17](#)) are granted.
2. Plaintiff shall file a second amended complaint with the court by July 25, 2008. The second amended complaint must include all claims and all defendants. This means Plaintiff must restate all of the claims in his Amended Complaint and any additional claims and defendants and what capacity Plaintiff is suing each defendant. Plaintiff cannot rely on any prior submissions to the court to represent his claims. The failure to consolidate all claims into one document could result in the abandonment of claims.
3. If Plaintiff fails to file a second amended complaint in accordance with this Memorandum and Order, this case will move forward on Plaintiff's Amended Complaint ([filing no. 11](#)).

4. The Clerk of court is directed to set a pro se case management deadline using the following language: "July 25, 2008 check for second amended complaint."

July 1, 2008.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge